

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DEY, L. P. and DEY, INC.,

Plaintiffs,

V.

**TEVA PARENTERAL MEDICINES, INC.,
TEVA PHARMACEUTICALS USA, INC.,
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.,**

Defendants.

Civil Action No.
1:09-cv-87

Judge Irene M. Keeley

TEVA'S MOTION TO COMPEL DISCOVERY

Defendants, Teva Parenteral Medicines, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries, Ltd. (collectively “Teva”), respectfully move the Court for an order to compel production by Plaintiffs Dey, L.P. and Dey, Inc. (collectively “Dey”), pursuant to Fed. R. Civ. P. 37(a) and Local Rules of Civil Procedure 26.04 and 34.01, of an unredacted version of the settlement and license agreement, dated May 23, 2012 (“Settlement and License Agreements”) between Dey and Sunovion Pharmaceuticals Inc. (formerly Sepracor) in *Dey, L.P., Dey, Inc. and Mylan, Inc. v. Sepracor Inc.*, C.A. NO. 1:07-cv-2353 (S.D.N.Y.) litigation (the “*Sepracor* case”). Teva files this motion to compel because Dey has refused to produce an unredacted version containing relevant information that is responsive to Teva’s document requests under Fed. R. Civ. P. 34, despite Teva’s repeated requests that the document be produced.

WHEREFORE, for the reasons set forth in the contemporaneously filed “Teva’s Memorandum in Support of its Motion to Compel Discovery,” Teva respectfully requests that this Honorable Court enter an Order to compel Dey’s production of the unredacted version of the Settlement and License Agreement, dated May 23, 2012.

Respectfully submitted the 1st day of July, 2013.

DEFENDANTS, TEVA PARENTERAL MEDICINES, INC., TEVA PHARMACEUTICALS USA, INC., and TEVA PHARMACEUTICAL INDUSTRIES, LTD., By Counsel:

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RULE 26.04 CERTIFICATION

I hereby certify that counsel for Teva has made good faith efforts to resolve the subject of the foregoing motion with counsel for Dey and without Court action in accordance with Fed. R. Civ. P. 37(a)(1) and L.R. Civ. P. 26.04, but has been unable to do so.

Dated the 1st day of July, 2013.

DEFENDANTS, TEVA PARENTERAL MEDICINES, INC., TEVA PHARMACEUTICALS USA, INC., and TEVA PHARMACEUTICAL INDUSTRIES, LTD., By Counsel:

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TEVA PHARMACEUTICALS USA, INC.,)	Judge Irene M. Keeley
and TEVA PHARMACEUTICAL)	
INDUSTRIES, LTD.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

This certifies that on this 1st day of July, 2013, counsel for the defendants served the following document: “**TEVA’S MOTION TO COMPEL DISCOVERY**” upon counsel of record via: (1) electronic notification through the Court’s CM/ECF system; and/or (2) via facsimile, and/or (3) via hand delivery, and/or (4) via electronic mail transmission as previously agreed upon by the parties:

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